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7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,)
10 Plaintiff,)
11 v.) 2:13-CR-419-JAD-(PAL)
12 GERALD KOKOSZKA,)
13 Defendant.)

14 **FINAL ORDER OF FORFEITURE**

15 The United States District Court for the District of Nevada entered a Preliminary Order of
16 Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2) and Title 31, United States Code, Section
17 5317(c)(1) based upon the plea of guilty by defendant GERALD KOKOSZKA to the criminal offense,
18 forfeiting the property set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding
19 Criminal Information and shown by the United States to have the requisite nexus to the offense to
20 which defendant GERALD KOKOSZKA pled guilty. Superseding Criminal Information, ECF No. 46;
21 Plea Agreement, ECF No. 48; Change of Plea, ECF No. 50; Preliminary Order of Forfeiture, ECF No.
22 52.

23 This Court finds the United States of America published the notice of forfeiture in accordance
24 with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively
25 from April 23, 2015, through May 22, 2015, notifying all potential third parties of their right to
26 petition the Court. Notice of Filing Proof of Publication, ECF No. 54.

1 On June 11, 2015, California Bank & Trust filed a Petition Claiming Interest in Forfeited
2 Property (ECF No. 55). The United States filed its Motion to Dismiss California Bank & Trust's
3 Petition (ECF No. 66). California Bank & Trust filed its Opposition to the Motion to Dismiss (ECF
4 No. 67), and the United States files its Reply (ECF No. 71). On October 14, 2015, this Court granted
5 the United States' Motion to Dismiss (ECF No. 66) and dismissed California Bank and Trust's
6 Petition (ECF No. 55). Order, ECF No. 72.

7 This Court finds no other petition was filed herein by or on behalf of any person or entity and
8 the time for filing such petitions and claims has expired.

9 This Court finds no petitions are pending with regard to the assets named herein and the time
10 for presenting such petitions has expired.

11 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all right,
12 title, and interest in the property hereinafter described is condemned, forfeited, and vested in the
13 United States of America pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P.
14 32.2(c)(2); Title 31, United States Code, Section 5317(c)(1); and Title 21, United States Code, Section
15 853(n)(7) and shall be disposed of according to law:

16 \$323,118.45 in United States Currency ("property").

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited funds,
18 including but not limited to, currency, currency equivalents, certificates of deposit, as well as any
19 income derived as a result of the United States of America's management of any property forfeited
20 herein, and the proceeds from the sale of any forfeited property shall be disposed of according to law.

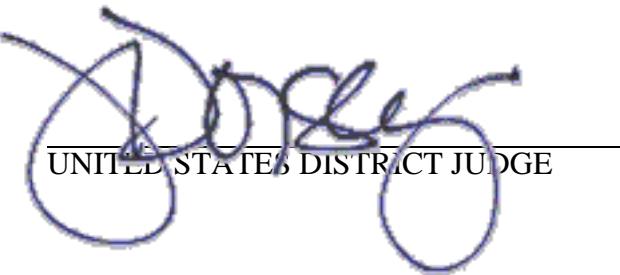
21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED after the property is forfeited in
22 the criminal case and the Final Order of Forfeiture is entered, within a practicable time thereafter
23 for the United States, the United States will return \$125,118.45 in United States Currency to GERALD
24 KOKOSZKA pursuant to the Plea Agreement (ECF No. 48).

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of
2 this Order to all counsel of record.

3 DATED this 23rd day of October, 2015.

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UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on October 22, 2015.

/s/ Michelle C. Lewis
MICHELLE C. LEWIS
Paralegal Specialist